

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

SHELBY NASH HUNTER,
DOUGLAS DARKO, TERRI
SEARSDODD, JEREMIAH
DOWELL, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

BENEFIS HEALTH SYSTEM, INC.,
BENEFIS HOSPITALS, INC.,
BENEFIS MEDICAL GROUP, INC.,
KALISPELL REGIONAL MEDICAL
CENTER, INC. (a/k/a “LOGAN
HEALTH,” KALISPELL REGIONAL
HEALTHCARE”), MAGELLAN
RESOURCE PARTNERS, LLC (a/k/a
“MEDEQUITY,” “MEDEQUITY,
INC.” AND “MEDEQUITY CORP.”),
MEDEQUITY CORPORATION, and
DOES 1-50,

Defendants.

CV-21-92-GF-BMM

ORDER

Defendants Benefis Health System, Inc.’s, Benefis Hospitals, Inc.’s, and Benefis Medical Group, Inc. (Benefis Defendants) submitted two emails for in camera review pursuant the Court’s Order (Doc. 100) on December 8, 2023. *See* (Doc. 101.) Benefis Defendants, in conjunction with that filing, represent that they

“will produce responsive non-privileged material [including emails starting on March 14, 2022 at 4:43 p.m. and below that email included in the *in camera* materials] once a protective order compliant with the Health Insurance Portability and Accountability Act (HIPAA) is entered.” (Doc. 101.) Plaintiffs previously represented to the Court that they do not dispute that the portion of the email chain between Benefis’ counsel and a Benefis employee is privileged. In short, Benefis Defendants and Plaintiffs concur that the March 14, 2022, 3:08 PM email from claimsprocessing@medequity.com to Mark Hess and the March 14, 2022, 4:43 PM email from Mark Hess to Patty Harris are both discoverable and not privileged. Accordingly,

ORDER

IT IS HEREBY ORDERED that

1. The Parties jointly shall file a proposed protective order compliant with the Health Insurance Portability and Accountability Act (HIPAA) by December 15, 2023, as to the March 14, 2022, 3:08 PM email from claimsprocessing@medequity.com to Mark Hess and the March 14, 2022, 4:43 PM email from Mark Hess to Patty Harris.
2. Defendants Benefis Health System, Inc.’s, Benefis Hospitals, Inc.’s, and Benefis Medical Group, Inc. shall produce to Plaintiffs the March 14, 2022, 3:08 PM email from claimsprocessing@medequity.com to Mark

- Hess and the March 14, 2022, 4:43 PM email from Mark Hess to Patty Harris in the time specified by an order by the Court to follow the filing of the proposed protective order.
3. Defendants will follow standard procedure, including use of a privilege log, with regard to assertions of privilege as to any other subject of Plaintiffs' requests for production in this matter.
- DATED** this 13th day of December, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court